THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20108 OF 2006

26.09.2006

Between:

Mohammad Hussain Miah, S/o.late M.Abbas Miah

… Petitioner

AND

The Joint Sub Registrar-I, Sub Registration Office, Kurnool
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20108 OF 2006

ORDER:

The first petitioner purchased the property admeasuring Acs.4.57 in survey No.399 of Dinnedevarapadu Village in Kurnool District from the legal heirs of one Vengal Reddy. Later, the first petitioner sold the property in favour of the second petitioner. The sale deed was presented before the first respondent for registration. By endorsement dated 24.12.2005, the registration was refused, assailing which, the present writ petition is filed.

The Registration Act, 1908 (the Act, for brevity) contains Sections 71, 72 and 77 dealing with refusal of Registering Authority to register the document. Whenever the Registering Authority refuses to register the document under Section 71 of the Act, he is required to furnish reasons for the same and the aggrieved person is given a right of appeal under Section 72 (1) of the Act before the District Registrar. When the District Registrar refuses the document to be registered under Section 72 or Section 76 of the Act, the person claiming such document may institute a suit in civil Court and obtain a decree. The petitioners have not availed all these remedies and directly filed the present writ petition. Therefore, the writ petition is not maintainable.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

September 26, 2006
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